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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/771,226	01/26/2001	William Franklin Harris	B-0103.28	6933
	7590 08/01/2003			
LAW OFFICES OF CHRISTOPHER L. MAKAY			EXAMINER	
1634 Milam Building 115 East Travis Street San Antonio, TX 78205			TUCKER, PHILIP C	
San Antonio, 1A 76203			ART UNIT	PAPER NUMBER

1712

DATE MAILED: 08/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Examin r				
Examin r			Application No.	Applicant(s)
Prilip C Tucker The MALLING DATE of this communication appears in the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. If the period for reply specified above is less than thirty (30) days is not year or property to be limited by the state of the specified property and the specified (b) (100 MONTH) from the making date of this communication. If the period for reply specified dove, the making reply probe all reply specified (b) (100 MONTH) from the making date of this communication. If the period for reply specified above, the making part and integers (6) (100 MONTH) from the malling date of this communication. If the period for reply specified days the third three markets are proportionally an accompliance of the specified on the communication of the making date of this communication. A year proply received by the Office later than three markets after the malling date of this communication, even if timely filed, may reduce any seamed patient are adjustment. See 37 CFR 1.76(9). Status Responsive to communication(s) filed on 29 April 2003. 2e) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowence except for formal matters, prosecution as to the merits in closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1.92 Is/are pending in the application. 4) Claim(s) 1.93 Is/are pending in the application. 4) Claim(s) 1.93 Is/are pending in the application. 5) Claim(s) 1.93 Is/are pending in the application. 5) Claim(s) 1.93 Is/are pending to the application. 6) Claim(s) 1.26.10.39 Is/are pending in the application and/or election requirement. Application Papers 9) The proposed drawing correction filed on is/are view through the pending the		,	09/771,226	HARRIS, WILLIAM FRANKLIN
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A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. □ Exercisions of time may be available under the provisions of 37 CPR 1.138(a). In no event, however, may a raply be timely filed □ If the period for may be available under the provisions of 37 CPR 1.138(a). In no event, however, may a raply be timely filed □ If the period for may be available under the provisions of 37 CPR 1.138(a). In no event, however, may a raply be timely filed □ If NO period for raply is pecified abover, the maximum statutory period will apply and will apply and will up to the period of the communication. Failute to rapply within the soft or extended particular particular particular to the mailing date of this communication. Failute to rapply within the soft or extended particular partic		;	·	
THE MAILING DATE OF THIS COMMUNICATION. Exemisions of time may be available under the provision of 30°CR1 1.38(a). In no event, however, may a reply be timely filled after SX (8) MONTHS from the mailing date of this communication. If the period creatly sealthed accounts of the communication of the provision of page 11.28 (a) (a) (a) (b) (b) (b) (c) (c) (c) (c) (c) (c) (c) (c) (c) (c			ation appears n the cover shee	with the correspondence address
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Application/Control Number: 09/771,226

^c Art Unit: 1712

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1, 2, 6, 10, 39, 40, 44, 48, 76, 77, 81 and 85 are rejected under 35 U.S.C. 102(b) as being anticipated by Goodhart (US 3,780,170).

Goodhart teaches a composition which comprises ethyl cellulose, hydrogenated castor oil and polyethylene glycol (see example 4 and claim 1), made by mixing the ingredients together. The present invention is thus anticipated by Goodhart.

- 3. Claims 3-5, 7-9, 41-43, 45-47, 78-80 and 82-84 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 4. Claims 11-38, 49-75, 86-98 are allowable over the art of record.
- 5. Applicant's terminal disclaimer and amendments have overcome the rejections of the previous office action. A new rejection is presented in view of Goodhart.

· Art Unit: 1712

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C Tucker whose telephone number is 703-308-0529. The examiner can normally be reached on Monday - Friday, Flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Dawson can be reached on 703-308-2340. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications:

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

Philip C Tucker Primary Examiner Art Unit 1712

PCT-2851 July 25, 2003